

**The Constitution as Exponed by One of  
Its Framers,**

James Wilson died in August, 1798, at the comparatively early age of fifty-six, leaving behind him a memorable opinion upon constitutional law, that propounded in the case of *Chisholm versus Georgia*, which was the first of the great opinions of the Chief Justice of the National Supreme Court. Of the decision in this case, Judge Cooley says: "Justice Wilson, the ablest and most learned of the associates, took the national view, and was supported by two others. The Chief Justice was thus enabled to declare his opinion in favor of the national character of the Constitution, the United States sovereignty belonged to the people of the United States. After this clear and authoritative declaration of national supremacy, the power of a Federal court to summon a State before it at the suit of an individual, and the right of a State to take an amendment to the Constitution—as was, in fact, done—without impairing the general symmetry of the Federal structure or inflicting upon it any irreparable injury. The Union might survive and accomplish the beneficent purposes intended, or even though it should be overpowered, compel the States to perform their obligations to creditors. We shall not pause to show what indeed is self-evident, that the Union could scarcely have had a valuable existence had it been judicially determined that powers of sovereignty were exclusively in the States. Neither is it important that we proceed to demonstrate that the doctrine of an indissoluble Union, though not

Is there any good reason why United States Senators should not be elected by the people, instead of by the legislatures of the several States? Why are they not? Some have considered the Senators as immediately representing the sovereignty of the several States, while the members of the other House immediately represent the people thereof. But Mr. Wilson, in founding of a doctrine, which Wilson examines in one of these lectures, and, as he believes, is successful in refuting; we refer to the doctrine that the legislative power is the supreme power in the people thereof, and that the power of the people is the supreme power in a given State resides in the people thereof, and consequently cannot be, in any wise, impaired through an election of the Senators by the people. Again, it has been said that the persons by whom the same persons by whom the members of the House of Representatives are chosen, would be to lose the material distinction, and, therefore, all the benefits accruing from the material distinction, and the material distinction of the Legislature. If this, indeed, should be the necessary consequence of electing both branches

It is remarkable that Judge Wilson, writing in 1790-91, should not only have contradicted the oft-cited statement of William B. Ewald, the historian, that Edward A. Freeman, in averring that the elective character of the title of our first executive magistrate is a renewal of a feature of the ancient English Constitution, also points out that all the kings of the Saxon race were elected to their kingly office, and that even William the Conqueror, reigning under the title of king, being king by lease, opining that a title by election would be more stable than a title by power. It was Henry III, who brought in with him the first precedent of succession by inheritance to the throne of England, and this precedent was repeatedly broken thereafter. In the context of the power of the President to nominate and to remove, the advice and consent of the Senate to appoint, ambassadors, Judges of the Supreme Court, and a large proportion of the other officers of the United States, Judge Wilson adverts to an important difference between the Constitution of the United States and that of Pennsylvania. In Pennsylvania, the President appoints and dismisses, uncontrolled by either branch of the Legislature, the power of appointing all officers whose appointments are not in the Constitution itself otherwise provided for. Accepting the maxim that the legislative and executive powers ought to be preserved distinct and unmingled, Judge Wilson is of opinion that it is better to confess that, with regard to this point, the proper principle of government is, in my apprehension, observed by the Constitution of Pennsylvania much more correctly than it is by the Constitution of the United States. In justice, however, to the latter Constitution, it is to be observed that the concurrent appointment of officers is to be the concurrent act of the President and Senate, yet an indispensable prerequisite—the nomination of them—is vested exclusively in the President. The observations which I have delivered concerning the appointment of officers apply likewise to the removal of officers. The President has power to remove officers with the advice and consent of the Senate." We should note that the Constitution of Pennsylvania here referred to

The first of the appendices is devoted to Burna's ancestry. There is, of course, no doubt that the poet was descended through both father and mother from small farmers. On the father's side the family can be traced back to four generations of Kincardineshire yeomen, and there are tenant farmers of his name on the estate of Inchbreck in that county in the middle of the sixteenth century. At the top of the poet's authentic genealogical tree stands the name of Walter Burnes, of whom nothing is known but that he died in depressed circumstances in the parish of Glenelvie in the Meams be-

III.  
In another appendix of unusual interest, Mr. Wallace defends the memory of Mary Campbell. He has felt called upon to do this because, like the popular conception of Burns's High-

IV.

Mr. Wallace deems it worth while to repel an-  
other slander on the memory of Mary Campbell.  
He says, during the past few years, it has been

and in it a family likeness. Scott, in his portrait of him, has been too good to him, and he has been too good to the poet, though it had been presented to me as a whole exhibition;" and Mrs. McLehose, U.S. Postmaster, says, "In my opinion it is the most striking likeness of the poet I have ever seen." The artist, Mr. Hans, of New York, who had met Burns several times, when he was appealed to in 1828 to authenticate a Taylor portrait, could see in it not the least resemblance to Burns, and left it not recognized. It was confirmed in his skepticism by the former portrait of the poet by Robert Allan, and another, especially by the one by the artist, Mr. Charles H. Webb, who said it was at first thought to be a portrait of his brother Robert, but that the artist afterward ascertained it was meant for the poet. The Miers portrait is described by G. W. Stevenson, R. S., as "a portrait in perfect harmony with Nature's portrait." It was bequeathed by W. S. Miers to the Scottish National Portrait Gallery. So also was the miniature on ivory, which is a good one, as I believe, was the one alluded to by Burns in a letter to Mrs. Taylor under date of January 1809: "Apropos of portraits, I am sitting to Reid of this town for a miniature, and I think he has hit, by far, the true likeness of me ever taken." The face is in the right position, and the features are the same as the Miers and the Taylors show the right. The face that have passed have left their mark on the forehead; the features are harder, the nose more sunk. A small black whisker, falling down to the lobe of the ear, is the feature that the portrait of the poet in the Edinburgh Archibald Shaving, done in crayon on colored paper, and now in the possession of Theodore Martin, There is no record of the poet sitting to Starling, who might, however, have been the artist. The portrait of the poet, with variations in several features; the features are smaller, the frontal ridge more prominent, the hair less abundant. The poet's head more correctly built. We will not say a head of a better type, but the portrait done from life by Nasmith embellishes some of these two volumes.

**Mail Catchers.**  
From the Washington Evening Star.  
"That man is a mail catcher," remarked a man at the city Post office, "and one of a class of fellows which ails the Post Office. They cannot wait for them to be delivered in the city. They are impatient, and they are impudently open and want their letters immediately. As a rule they are a second-rate kind of fellows, who have no business to be as anxious about their letters for the reason that they are not worth anything. They come in as regularly and as frequently as they do, but they never say a word, and depart as soon as they are ordered out. They are a nuisance, and it is not something for them, only to come at the next mail arrival."